

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated September 20, 2006 (hereinafter Office Action) have been considered; however, the asserted combinations of references are not believed to correspond to the claimed invention. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses each of the §103(a) rejections, each of which relies at least in part on an asserted combination of the teachings of U.S. Publication No. 2002/0059256 by Halim *et al.* (hereinafter “Halim”) and U.S. Patent No. 6,308,201 to Pivowar *et al.* (hereinafter “Pivowar”), because the asserted references, alone or in combination, do not teach each of the claimed limitations. While the Examiner correctly acknowledges that Halim does not teach a synchronization server, Halim also does not teach forming (and transmitting) a configuration message that comprises settings of a second database. The relied upon portion of Halim, paragraph [0009], states only that “information related to a local update” is included in a message transmitted to a remote computer (asserted as corresponding to the claimed terminal). There is no assertion, or teaching in Halim, that such “information” includes settings of a local database (local computer is asserted as corresponding to the claimed second database). Rather, the broad disclosure in paragraph [0009] suggests that the message sent to the remote computer is a synchronization message and not a configuration message, as claimed. Also, there is no indication or assertion that a configuration message, as claimed, is taught by Pivowar; therefore, any combination of these references must also fail to correspond to at least these limitations. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejections are improper.

Halim also fails to teach storing data comprising settings of a second database and retrieving such data in response to a need for a synchronization service. The buffering taught by Halim does not correspond to these limitations. For example, in Halim the message is buffered at a server computer before the message is transmitted to the remote computer. Thus, Halim’s message has not been transmitted to the terminal (asserted as being the remote computer) and stored to a memory medium, as claimed. Moreover, the

buffered message is forwarded to a communication interface as part of the transmission of the message to the remote computer rather than being retrieved in response to a need for a synchronization service. Halim's buffering during transmission does not correspond to the claimed storage and retrieval of configuration data.

Further, Halim does not teach initializing synchronization using part of the data retrieved from a memory medium where such data was part of a configuration message, as claimed. The discussion in paragraph [0009] generally teaches a method for synchronizing data by sending information related to a local update to a remote computer to synchronize a remote database using the information. There is no teaching or suggestion that Halim's synchronization is initialized using data from a configuration message that was retrieved from a memory medium. It is not asserted that Pivowar teaches, nor does Pivowar teach, any of the above-discussed limitations that are absent in Halim. Without a presentation of correspondence to each of the claimed limitations, each of the §103(a) rejections is improper. Applicant accordingly requests that each of the rejections be withdrawn.

The Examiner's attempts to show correspondence between the claimed limitations and various teachings in Halim appear to disregard the requirement that the claimed invention be considered "as a whole." *See*, MPEP §2141.02. Applicant notes that it is not whether the differences between the asserted art and the claimed invention would have been obvious, but whether the claimed invention as a whole would have been obvious. *See, e.g., Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); and *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). Halim does not explicitly or implicitly teach initializing synchronization using a configuration message; therefore, merely introducing a synchronization server to the teachings of Halim would not result in correspondence to the claimed invention.

Dependent Claims 2, 5, 7, 9, 11, 13 and 17 depend from independent Claims 1, 10, 12 and 14, respectively. Each of these dependent claims also stand rejected under 35 U.S.C. §103(a) as being unpatentable over the above-discussed combination of Halim and Pivowar. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what

may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1, 10, 12 and 14. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2, 5, 7, 9, 11, 13 and 17 are also allowable over the combination of Halim and Pivowar.

With respect to the other §103(a) rejections of various dependent claims based further upon the teachings of U.S. Patent No. 6,295,541 to Bodnar *et al.* (hereinafter "Bodnar"); U.S. Patent No. 6,643,669 to Novak *et al.* (hereinafter "Novak"); and U.S. Publication No. 2002/0081995 by Leppinen *et al.* (hereinafter "Leppinen"), respectively, Applicant traverses because the Examiner's reliance upon these teachings does not overcome the above-discussed deficiencies in the asserted combination of Halim and Pivowar. No teachings have been cited in Bodnar, Novak, or Leppinen that correspond to the claimed synchronization initialization. Thus, without a presentation of correspondence to each of the claimed limitations, these §103(a) rejections are also improper and should be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.053PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: January 11, 2006

By: Erin M. Nichols

Erin M. Nichols
Reg. No. 57,125